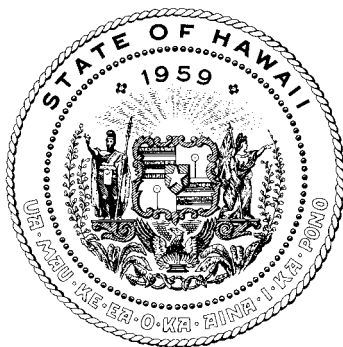


REPORT TO THE TWENTY- THIRD LEGISLATURE

REGULAR SESSION OF 2005

RELATING TO PUBLIC LAND LIABILITY



**Prepared by
THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE**

In response to Act 82, Session Laws of Hawaii 2003 – Section 4

**Honolulu, Hawaii
November 2004**

**REPORT TO THE TWENTY- THIRD LEGISLATURE
REGULAR SESSION OF 2005
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PURPOSE

This report is in response to Section 4 of Act 82, Session Laws of Hawaii (SLH) 2003. Act 82, SLH 2003, mandates that the Risk Assessment Working Group, established under the Act, shall submit a report of its recommendations and of the consultation provided to the Board of Land and Natural Resources Board under this Act, including a list of warning signs, devices, and systems on improved and unimproved public lands subsequently approved or disapproved by the Board, to the Legislature no later than twenty days prior to the convening of each regular session.

ACTIONS TO DATE

The members of the Risk Assessment Working Group (RAWG) (Appendix 1) have met three times. RAWG reviewed ocean safety signs established through Act 190, SLH 1996, as well as the most current warning sign standards from the American National Standards Institute (ANSI). Using the current ANSI guidelines, RAWG designed safety signs to address the following priority natural hazards: flash floods, falling rocks, hazardous cliffs, submerged hazards (no jumping or diving), as well as ancillary uniform management signs (end of trail, end of road, area closed). RAWG has also drafted sign placement guidelines to accompany these signs.

RAWG agreed to circulate the Warning and Management Sign and the Warning Signage Text and Criteria to the Department of Land and Natural Resources' (DLNR), Division of Forestry and Wildlife, Na Ala Hele (NAH) Trail and Access Program, to be presented at the Island NAH Trail and Access Advisory Council meetings.

2004 Public Informational Meetings

On January 16, 2004, DLNR issued a press release informing the public of statewide informational meetings, to seek input on the draft signs and the design placement guidelines. In particular, RAWG was interesting in the clarity and effectiveness of the design of the specific pictograms (symbols) on each sign. The proposed set of signs was also posted on the following Internet site: <http://www.state.hi.us/dlnr/warningsigns>. The public was instructed to submit comments via email to the DLNR Chairperson's designee for RAWG.

Location and Schedule of informational meetings:

Oahu: NAH Advisory Council, Tuesday, January 20, 2004, 4:00 pm
Makiki Division of Forestry and Wildlife Baseyard Conference Room
2135 Makiki Heights Drive, Honolulu, HI. 96822

Lanai: NAH Advisory Council, Saturday, January 24, 2004, 7:30 am
Blue Ginger Café, 409 7th Street, Lanai City

Maui: NAH Advisory Council Wednesday, January 21, 2004, 2 pm
Division of Forestry and Wildlife Baseyard
685 Old Haleakala Highway, Kahului,

Hawaii: NAH Advisory Council, January 20, 2004, 6:30 pm
Kamuela State Tree Nursery 66-1220 A Lalamilo Road
Kamuela, 96743

Kauai: NAH Public Meeting, Thursday, January 29th, 4:30 to 5:30,
Division of Forestry and Wildlife Baseyard
4396D Pua Loke, Lihue, 96766

The Molokai NAH Advisory Council meeting was canceled due to air transportation difficulties. Public attendance at these statewide meetings was marginal, with the exception of Oahu, when addition to the Oahu NAH Advisory Council members, there were other interested members of the public and media representatives.

DLNR received comments from 47 individuals, primarily emails, and a few faxes, conveying a wide range of both positive and negative comments. These comments ranged from thoughtful and constructive, to impractical and flippant, to simply opposing signs in general. The most repeated sentiment among the constructive public comments was that both the “Flash Flood” and “Falling Rock” pictograph warnings were unclear and did not adequately convey a sense of danger. As a result of the comments, those two pictographs were revised accordingly to more adequately convey a sense of danger and urgency. Typically, for the “Flashflood” pictograph design, the suggestion was to incorporate a wave of water, and/or to rotate the figure from the first panel into a prone position. For the “Falling Rock” pictograph, the common suggestion was to have the rocks appear to be moving (adding dashed lines) and to have the figure in a more “alarmed” position.

Also, there was a very salient comment relating to the “Notice - End of maintained trail” sign. Specifically the comment was directed to the “trail beyond this sign is not maintained by DLNR” This would be consistent with the Beach Liability Sign Policy and intentionally not reference an agency. In addition, the deletion of “by DLNR” would also make the sign generic for potential county use.

Hawaii Administrated Rules (HAR)

In August of 2004, DLNR completed the first draft of the proposed Hawaii Administrative Rules, (HAR) for the Design and Placement of Warning Signs mandated by Act 82, SLH 2003. These draft rules were circulated to RAWG members for review and comment. The City and County of Honolulu submitted comments - which have been incorporated into the text of the draft rules; which will be submitted to the Board of Land and Natural Resources for approval to proceed with Chapter 91, HRS, and initiate public hearings early next year.

2004 Risk Assessment Working Group Members

- 1) Dan Quinn, Administrator
Department of Land & Natural Resources - State Parks Division
1151 Punchbowl Street, Room 310 - Honolulu, Hawaii 96813
- 2) Paul Conry, Administrator
Department of Land & Natural Resources - Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325 - Honolulu, Hawaii 96813
- 3) Curt Cottrell, Program Manager
Department of Land & Natural Resources - Na Ala Hele Trail and Access Program
1151 Punchbowl Street, Room 325 - Honolulu, Hawaii 96813
(DLNR Chairman Young's designee)
- 4) Thomas Fake
National Parks Service - Pacific Islands Support Office
300 Ala Moana Blvd., Room 6-226 - Box 50165 - Honolulu, Hawaii 96850
(Sign design consultant)
- 5) Representative - Deputy Attorney General - Civil Rights Division,
Department of the Attorney General - Hale Auhau - 425 Queen Street
Honolulu, Hawaii 96813
- 6) David Deleon - County of Maui
200 South High Street - Wailuku, Maui, HI 96893
(Maui County Mayor Alan Arakawa's designee)
- 7) Troy Kindred, Civil Defense Administrator
County of Hawaii - 920 Ululani Street - Hilo, HI 96720
(Hawaii County Mayor Harry Kim's designee)
- 8) David Arakawa, Corporation Counsel - City & County of Honolulu
530 South King St. - Honolulu, HI 96813
(City and County of Honolulu Mayor Jeremy Harris' designee)
- 10) Gerald Estenzo, Risk Management - County of Kauai
Moikeha Building - 4444 Rice Street, Suite 280 - Lihue, Hawaii 96766
(Kauai County Mayor Bryan Baptiste's designee)